

REMARKS

Claim 1 has been amended to correct syntax and regularize margins. The scope of Claim 1 has not been changed in any way. It is respectfully requested that the amendment be entered for purpose of appeal if allowance is not forthcoming in response to the following arguments.

Regarding the 35 U.S.C. §103(a) rejection of Claim 1 over Ichibori et al. in view of Mori et al., applicants respectfully submit that the Examiner's reasoning is counter-intuitive. Any suggestion that Ichibori et al. and/or Mori et al. would motivate a skilled practitioner to create the combination defined by Claim 1 could, applicants submit, come only from applicants own disclosure in the present circumstances.

As the Examiner points out, Ichibori et al. discloses the combination of a fiber (A) and a fiber (B), the latter including fiber (b-1). However, Ichibori et al. does not disclose the combination of fibers (b-1) and (b-2)! In applicants invention, as described at page 6, lines 13-17 of the International Publication of the present invention (PCT/JP03/03397), a:

“compound yarn (B) including the fiber melting at 200 degrees C to 400 degrees C fiber (b-2) excels as compared with a case where a yarn without the yarn (b-2) is used, because the melting fiber (b-2) may cover around the halogen-containing flame resistant fiber to improve heat resistance of the fabric and flame resistance, and calorific power in contact to a heater flame may be controlled in combustion test of the fabric”. (emphasis supplied)

Because the melting fiber (b-2) covers fiber (A), a union fabric having high degree of flame resistance to pass M1 of NF P 95-503 combustion test is obtained.

The Examiner contends that it would have been obvious to modify Ichibori et al. in view of Mori et al. to obtain applicants' claimed union because Mori et al. discloses:

“that it is known in the cellulosic fiber woven fabric woven fabric art to improve weft bar, appearance, dimensional stability, and strength by using a compound yarn consisting of cellulosic fiber and a fiber having a melting temperature of 200°C to 400°C (see entire document including column 1, lines 15-27, column 2, line 59 through column 3, line 3, column 5, lines 15-37, column 8, lines 49-56, column 20, lines 43-45, and column 23, lines 32-36. It is noted that Mori specifically mentions the use of nylon 6 and nylon 66

(column 5, lines 14-20) which each have a melting temperature of 200°C to 400°C (see current specification page 8, lines 18-23)."

The Examiner continues by stating that it:

"would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cellulosic yarns from compound yarns consisting of cellulosic fiber and a fiber having a melting temperature of 200°C to 400°C, as taught by Mori, because the compound yarns would improve weft bar, appearance, dimensional stability, and strength and because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics."

Applicants submit that only by using their disclosure as a template would their claimed invention have been obvious. The Mori et al. patent is related to the improvements of a weft bar problem, a high-quality appearance, a glossiness, excellent shrinkage proofing properties and strength properties of cellulosic filament without melting the fiber corresponding to fiber (b-2). The Mori et al. patent, which aims to improve characteristics of yarn by additional heat treating process in a temperature range less than the melting point of a fiber corresponding to fiber (b-2), as described at column 7, lines 3-37, would require modification of its own process before it could contain any suggestion to modify Ichibori et al. in a manner which might result in the claimed invention.

For the aforescribed reasons, applicants submit that Ichibori et al. and Mori et al. would not have rendered the Claim 1 invention obvious. Claim 1 should be allowed with its dependent Claim 2.

Respectfully submitted,

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